CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

November 7, 2007

Doug Davy, Ph.D.
Project Manager
CH2M Hill
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833

RE: CHULA VISTA ENERGY UPGRADE PROJECT (07-AFC-4) - DATA REQUEST [SET 1 (#s 1-47)]

Dear Doug:
Pursuant to Title 20, California Code of Regulations, Section 1716, the California Energy Commission staff seeks the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures.

This set of data requests (#1-47) is being made in the areas of Air Quality (# 1-29), Cultural Resources (#30-37), Soil and Water Resources (# 38-41), and Transmission System Engineering (# 42-47). Written responses to the enclosed data requests are due to the Energy Commission staff on or before December 6, 2007, or at such later date as may be mutually agreeable.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, you must send a written notice to both the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for not providing the information, the need for additional time, and the grounds for any objections (see Title 20, California Code of Regulations, Section 1716 (f)).

If you have any questions, please call me at (916) 653-1639 or email me at cmeyer@energy.state.ca.us.

Sincerely,

Christopher Meyer
Project Manager

Enclosure
cc: Docket (07-AFC-4)
Proof of Service List
Agencies

PROOF OF SERVICE (REVISED 10/1/07) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 11/7/07

Technical Area: Air Quality
Author: William Walters

BACKGROUND: GAS TURBINE OPERATING HOURS

The Application for Certification (AFC) is inconsistent regarding the maximum operating hours for the gas turbines. Section 5.1 and Appendix 5.1A (Table 5.1A-2) both use the basis of 4000 hours operating under full load (3,500 hours without and 500 hours with evaporative cooling) and 400 hours under startup (200 hours each under cold and hot start conditions) for each of the two gas turbines. However, Appendix 5.1G (page 5.1G-2) identifies an operating basis of 3500 base load hours and 500 startup hours. Staff needs additional information to clarify the final maximum operating basis proposed for the gas turbines.

DATA REQUEST

1. Please confirm the final gas turbine operating basis and provide revised annual emission tables for Section 5.1 and Appendix 5.1A and 5.1G, if they do not represent the proposed annual operating basis for the gas turbines.

BACKGROUND: OPERATIONS MITIGATION – EMISSION REDUCTIONS

Staff's position for the operating emissions CEQA impact determination is that all nonattainment pollutants and their precursors need to be mitigated through emission reductions at a minimum ratio of 1:1. The San Diego Air Basin in the area of the project site is classified as nonattainment for the state ozone, PM10 and PM2.5 standards and federal ozone standard. Without proper emission reduction mitigation, this project could contribute to existing violations of the state and federal ambient air quality standards.

The applicant's air quality offset proposal does not appear to fully mitigate the project's emissions with actual emission reductions from the existing FT8 Twinpac gas turbines. Staff needs to understand whether actual operations emissions data is available for the FT8 to determine whether emission reductions are available for the proposed project

DATA REQUEST

2. a. Please provide fuel consumption data for the FT8 Twinpac turbines for the years 2004, 2005 and 2006.
   b. Please provide emissions data, either from Continuous Emissions Monitors or by source tests for the emissions of NOx, VOC, PM10, PM2.5 and SOx.
   c. Please provide an average annual emissions summary for the FT8 turbines based upon the fuel consumption data of Data Request 2a and the emissions data of Data Request 2b.

BACKGROUND

On p. DA-12 of the September 2007 Data Adequacy Supplement, there is a discussion of possible mitigation measures, including the purchase of emission reduction credits (ERCs) from the San Diego Air Pollution Control District (SDAPCD) ERC bank, and the payment of mitigation fees to the APCD to fund a District directed emissions reduction

program. Staff needs further elaboration on these potential mitigation measures to determine their adequacy in mitigating the proposed project's impacts.

DATA REQUESTS

3. Please discuss and provide a schedule as to when the applicant will provide a list of potential offsets that would partially or entirely mitigate the project's NOx, PM10, PM2.5, VOC and SOx emissions identified on p. DA-12.

4. Please discuss the amount of mitigation fees the applicant is willing to pay to the SDAPCD and the basis for calculating those fees.

5. Please discuss to which SDAPCD programs the fees would be applied.

BACKGROUND: CONSTRUCTION EMISSION CALCULATIONS - COMPLETENESS

The construction emission calculations appear incomplete. The list of construction equipment appears insufficient to complete the required construction activities. For example several items of construction equipment, such as graders and cranes would seem to be needed to properly grade the site and place heavy equipment items during construction.

DATA REQUEST

6. Please review the emission calculations, in terms of equipment (both type and size) and construction schedule, provided in the air quality appendix for the Niland Gas Turbine Project (06-SPPE-1) case (see page 43 of 134) that can be found at:

   http://www.energy.ca.gov/sitingcases/niland/documents/applicant_files/afc/vol-2/Appendix_B_Air%20Quality%20Data_FINAL.pdf

   ...and provide a revised off road construction emission estimate to include all necessary onsite construction activities and construction equipment.

BACKGROUND: CONSTRUCTION EMISSION CALCULATIONS – FUGITIVE DUST

The applicant appears to be using dated fugitive dust calculation methods from outdated SCAQMD reference sources. Staff believes that the most recent emission factor and emission control reference sources from SCAQMD or U.S.EPA should be used to calculate the fugitive dust emissions.

DATA REQUEST

7. Please provide fugitive dust calculations using current SCAQMD website (http://www.aqmd.gov/ceqa/hdbk.html) or U.S.EPA AP-42 emission factor calculations and emission control factors (http://www.epa.gov/ttn/chief/ap42/index.html).

BACKGROUND: CONSTRUCTION EMISSION CALCULATIONS – EMISSION FACTORS

The staff does not take issue with the use of the South Coast Air Quality Management District's (SCAQMD) off-road construction emission factors. However, the construction emission calculations provided in Appendix 5.1E use out of date off road emission factors that were revised by SCAQMD in December 2006 and does not use them

properly. Additionally, the source of the on-road emission factors is not clear. Furthermore, the potential initial year of construction (2008) should be used as the emission basis rather than 2007 emission factors. Corrected emission factors should be used in the emission estimate.

DATA REQUEST

8. Please revise the off-road vehicle emission estimates using the latest SCAQMD off-road emission factors, or alternatively provide factors obtained from ARB's OFFROAD model that matches the construction mitigation level found in the Energy Commission's typical conditions of certification. An example can be found in the Starwood Power Plant (06-AFC-10) Preliminary Staff Assessment at: http://www.energy.ca.gov/2007publications/CEC-700-2007-012/CEC-700-2007-012-PSA.PDF. Please note that the SCAQMD off-road emission factors are provided in lbs/hour of operation with load factors already included.

9. Please provide a full reference source for the on road emission factors used in the construction emission estimate.

BACKGROUND: CONSTRUCTION EMISSIONS DISPERSION MODELING

Construction emissions dispersion modeling was not performed as noted in the Appendix 5.1E of the AFC (used area sources in place of noted volume sources), and the results provided in Table 5.1E-4 are inconsistent with the results provided with the construction modeling files. Staff needs additional information to understand the construction modeling procedures and determine the correct construction modeling results to properly assess the construction impacts. Also, please note that staff intends to remodel using point and volume sources distributed in the actual construction areas rather than using area sources that cover the entire site up to the fence line.

DATA REQUESTS

10. Please provide a corrected description of the construction modeling to replace the description provided in Section 5.1E4.2 of Appendix 5.1E. In particular, please correct the description of the modeling of the exhaust emissions to portray the actual modeling procedures.

11. Please correct the construction modeling results provided in Table 5.1E-4 to correspond to the modeling results provided in the Const.xls file that was included with the air dispersion modeling files.

12. Please describe the derivation of the area source height (7.32 meters) used for modeling the construction equipment exhaust emissions.

13. Please provide the total area of the polygon area source used in the modeling analysis.

BACKGROUND: GAS TURBINE SOX EMISSIONS

The applicant's natural gas fuel sulfur content basis is unclear. Staff believes that the worst-case short-term fuel sulfur concentration should be based on the SDG&E Rule 30 tariff fuel sulfur limit of 0.75 grains per 100 standard cubic feet. Using this as a basis, the maximum hourly SO_2 emission should be 1.0 lbs/hour not 1.1 lbs/hour. Additionally,

the long-term SO_2 emissions should be based on a reasonable worst-case average fuel sulfur content similar to that provided in Table DA5.1-1 of the Data Adequacy Supplement (equal or less than 0.2 grains per 100 standard cubic feet). Staff needs additional information to assess the basis for the gas turbine SOx emission estimate.

DATA REQUEST

14. Please provide calculations showing the basis and assumption for the derivation of the 1.1 lb/hour SOx emission value given for each gas turbine at full load.

15. Please provide annual gas turbine SOx emissions based on a reasonable worst-case long term fuel sulfur content.

BACKGROUND: GAS TURBINE SCREENING MODELING ANALYSIS

The screening level modeling analysis, as described on page 5.1-25 of the AFC, was noted to be provided in Appendix 5.1E; however, that appendix is the construction emissions and impact analysis. Staff cannot find the noted screening level modeling results anywhere in the AFC material, except with the modeling files. Staff needs to know if additional presentation of the screening level modeling analysis was meant to be provided. Additionally, staff has questions regarding the SOx and PM10 emission assumptions used in the screening level analysis.

DATA REQUESTS

16. Please provide the additional presentation of the screening level modeling analysis, which was meant to be provided as Appendix 5.1E, if any was meant to be provided beyond that given with the modeling files.

17. Please indicate why the 100% operating load emissions were used for the 75% and 50% operating load screening analysis for the gas turbine PM10 and SOx emissions.

BACKGROUND: BLACKSTART ENGINE SOX EMISSIONS

Staff needs to confirm that the engine will use ultra low diesel fuel as the SOx emission factor given in the AFC is based on 500 ppm sulfur rather than 15 ppm sulfur.

DATA REQUEST

18. Please confirm that the blackstart engine will use ultra low sulfur (15 ppm sulfur) diesel fuel as required by California Diesel Fuel Regulations.

BACKGROUND: OPERATING EMISSIONS ASSUMPTIONS – PM10 EMISSIONS

The AFC and the modeling analysis are inconsistent regarding the gas turbine PM10 emissions. The AFC notes that the hourly PM10 emissions will be 3 lbs/hour, while the modeling analysis uses 5 lbs/hour. Staff needs to understand which emission level is being proposed and needs revision of the emission values or modeling results depending on which is the correct value.

DATA REQUESTS

19. Please confirm the gas turbine PM10 hourly emissions limit.

20. Please revise PM10 emission calculations if the gas turbine PM10 emission limit should be 5.0 lbs/hour, or revise the modeling and modeling results if the gas turbine emission limit should be 3.0 lbs/hour.

BACKGROUND: OPERATING EMISSIONS ASSUMPTIONS – GAS TURBINE ANNUAL EMISSIONS

The AFC and the modeling analysis are inconsistent regarding the gas turbine annual emissions of NOx, PM10 and SOx. The AFC shows two turbine annual emissions of 21.0, 11.8, and 4.2 tons per year for NOx, PM10, and SOx respectively. The modeling files use emission rates equivalent to 32.5, 28.6, and 6.3 tons per year for NOx, PM10 and SOx, respectively. Staff needs to understand which emission level is being proposed and needs correction of the emission values or modeling results depending on which value is correct.

DATA REQUESTS

21. Please confirm the gas turbines' annual emissions of NOx, PM10, and SOx.

22. Please revise NOx, PM10, and SOx emission calculations if the annual emission levels in the AFC are incorrect and/or revise the modeling and modeling results if the modeled annual emissions are incorrect.

BACKGROUND: OPERATING EMISSIONS ASSUMPTIONS – BLACKSTART ENGINE EMISSIONS

The AFC and the modeling analysis are inconsistent regarding the emergency generator emissions. The AFC (Tables 5.1-6 and 5.1-7 on pages 5.1-9, 10) indicates that the emissions are based on a full hour of testing 52 weeks per year. The modeled emissions are based on one half hour of testing 52 weeks per year. Staff needs to understand which engine testing basis is being proposed and needs revision of the emission values or modeling results depending on which is the correct value.

DATA REQUESTS

23. Please confirm if the blackstart engine testing will be for one hour or one half hour per week, 52 weeks per year.

24. Please revise the blackstart engine emission levels presented in the AFC if the engine is proposed to be tested for no more than one half hour per week. Alternately, revise the modeling and modeling results if the testing of the blackstart engine is proposed for no more than one hour per week.

BACKGROUND: CUMULATIVE IMPACTS ANALYSIS

The cumulative modeling analysis has not yet been submitted. Staff needs this material to complete its analysis for cumulative air quality impacts.

DATA REQUESTS

25. Please provide a copy of the cumulative project list to be provided by SDAPCD as noted on Page DA-17 of the Data Adequacy Supplement.

26. Please provide a copy of the cumulative modeling analysis, as proposed in the cumulative modeling protocol provided in the Data Adequacy Supplement, including electronic copies of the modeling files.

BACKGROUND: AIR QUALITY PERMIT APPLICATION

A Determination of Compliance (DOC) analysis from the San Diego Air Pollution Control District (SDAPCD or "District") will be needed for staff's analysis. Staff understands that an application for the DOC has been submitted to the SDAPCD. Staff will need to coordinate with the District to keep apprised of any air quality issues determined by the District during their permit review.

DATA REQUESTS

27. Please provide copies of any permit application materials, other than AFC materials, submitted to the District.

28. Please provide copies of any subsequent submittals to the District within 5 days of their submittal to the District.

BACKGROUND: AIR DISPERSION MODELING – AERMOD VERSION

The applicant's air dispersion modeling analysis uses a dated version of the AERMOD modeling system. Revised modeling that will need to be conducted to address other air quality data requests should use the latest versions of the AERMOD modeling system (AERMOD, AERMET, and AERMAP), or should provide a determination that the model changes performed since the version used by the applicant would not impact the model results.

DATA REQUEST

29. Please perform all revised air dispersion modeling runs using input and outputs derived from the latest versions of AERMOD (07026), AERMET (06341), and AERMAP (06341), or provide a point by point analysis of why the model revisions would not impact the output results and provide at least one comparison each for the operation and construction modeling analysis of the original and updated model version files (all input and output files) to demonstrate their equivalence.

Technical Area: Cultural Resources
Author: Dorothy Torres

Note: Please provide any documents that may reveal the location of an archaeological site under confidential cover.

BACKGROUND

On page 5.3-13 of the Application for Certification (AFC), there is a reference to several historical societies that were contacted for information regarding historical resources in the project vicinity. Section 5.3.1.5.6 states that a summary of those contacts is included as part of Appendix 5.3A. Staff cannot locate any information in Appendix 5.3A regarding contacts with historical societies.

DATA REQUEST

30. Please provide copies of correspondence or summaries of telephone conversations with local historical and/or archaeological societies that might have knowledge of historical or archaeological resources in the area of the project.

BACKGROUND

The California Historical Resources Information System (CHRIS) has identified the proposed plant site as sensitive for archaeological resources. Maps from the CHRIS also identify numerous archaeological sites near the distant laydown area. Page 5.3-13 indicates that there is 25 feet of artificial fill at the proposed project site. It is not clear whether excavation for the proposed project or ground disturbance, if any will occur, at the laydown area may extend into native soil.

DATA REQUESTS

31. Please provide a discussion of the anticipated maximum depth of disturbance at the project site and laydown areas.

32. Please provide a discussion of the level of fill at both laydown areas.

33. Please provide a discussion of anticipated construction and ground disturbance, if any, at the laydown areas. For example, please discuss whether lighting will be installed, fences constructed, or trenches excavated.

BACKGROUND

The AFC Vol. 1, Section 5.3.1.5.3, page 5-3-12 states that an architectural survey is not required. However, there are four historic addresses reported by the CHRIS and identified on maps included in the confidential filing. Staff needs additional information to complete the analysis.

DATA REQUESTS

34. Please provide a discussion of the historic properties identified by the CHRIS, and explain whether the project will affect the setting of the following addresses:
    a. 1427 Hermosa Avenue
    b. 3060 Coronado Avenue

c. 330 Orange Avenue
d. 35 Tamarindo Way

35. a. Please provide a discussion of buildings that are located within one adjacent parcel to the proposed project.

b. Please explain how information regarding the age of any properties located adjacent to the proposed project and laydown areas was obtained.

BACKGROUND

Report citations that identify several cultural resources surveys within 0.25 mile of the project were included in the confidential CHRIS information. These reports include survey information from the project site and laydown area.

DATA REQUEST

36. Please provide copies of the following reports:

- Cheever, Dayle 1980. "Cultural Resources Survey of the H.G. Fenton Materials Company Property City of Chula Vista, CA." NADB #: 1120585 (Cheever89+36) and
- Advanced Sciences 1991, Inc. "An Archaeological Impact Evaluation for the Otay River Valley Resource Enhancement Plan." NADB #: 1122252 (ASI91+7).

BACKGROUND

The CHRIS search confidential information includes historic maps of the proposed distant laydown area. If historic maps of the project area were provided by the CHRIS, they would be useful for the staff analysis.

DATA REQUEST

37. Please provide copies of any historic maps received from the CHRIS that were not included in the previously submitted confidential filing.

Technical Area: Soil and Water Resources
Author: Dick Anderson

BACKGROUND

The Application for Certification (AFC) for the Chula Vista Energy Upgrade Project (CVEUP) contains unclear language regarding whether a stormwater retention basin will be used onsite. On page 5.15-13, section 5.15.2.2 the second paragraph states: "The primary water collection system will collect process water and stormwater runoff from all the plant equipment and route it to the existing retention basin for testing before discharge to the sanitary wastewater system". On the same page in section 5.15.2.3 the first paragraph states: "The majority of the site runoff leaves the site through two discharge points; one in the southwest area (Area A) and one in the southeast corner of the site (Area B). These discharge points will be reused for the CVEUP. A minimal amount of runoff leaves a third point, which is not affected by development and was not used in any calculations. Stormwater discharged from the site will ultimately be discharged into the Otay River Valley as it has been discharged in the predevelopment condition". On page DA-43 it is stated: "The project will not affect the flooding potential of adjacent lands. The proposed drainage plan incorporates all runoff into the same discharge outlet that is currently used which discharges into the Otay River Valley drainage". On page 5.11-13 in section 5.11.4.1, fourth paragraph, it is stated: "Runoff detention basins, drainage diversions, and other large scale sediment traps are not considered necessary due to the small size, level topography, and surrounding paved areas".

DATA REQUEST

38. a. Please explain whether the CVEUP intends to use a retention basin.
    b. Please clarify how drainage will be handled at the CVEUP site.

BACKGROUND

The CVEUP proposes to use potable (city water) water from the Sweetwater Authority for all uses at the proposed power plant. The CVEUP will use a maximum annual average of 86 acre-feet of water when operating at 4000 hours per year and a low of 12.8 acre-feet of water when operating at 400 hours per year. Close to 60 percent of the water will be used for NOx water injection system, with the remaining water used for sprint water injection and inlet fogging. Less than one percent is used for miscellaneous service water use. The proposed sprint water injection and inlet fogging at the CVEUP are considered evaporative cooling processes for the purposes of the Integrated Energy Policy Report (IEPR) and State Water Resources Control Board (SWRCB) Resolution 75-58.

The examination of alternative water supplies and technologies is triggered under the state's water policy when a power plant proposes to use "fresh water" (IEPR Water Policy 2003) for cooling purposes. The IEPR itself does not define what constitutes fresh water. SWRCB Resolution 75-58, upon which the IEPR water policy is based, defines fresh inland waters as "those inland waters which are suitable for use as a source of domestic, municipal, or agricultural water supply..." (SWRCB Resolution 75-58, p. 3.) The potable water from Sweetwater Authority proposed for use at

CVEUP meets the definition of fresh inland water under SWRCB's Resolution 75-58 because it is used for domestic and municipal use in the area.

Since adopting Policy 75-58 in 1976, the SWRCB has more recently confirmed the ongoing applicability of its policy for cooling of modern power plants and clarified a basic principle by stating, "The policy requires that the lowest quality cooling water reasonably available from both a technical and economic standpoint should be utilized as the source water for any evaporative cooling process utilized at these facilities" (SWRCB 2002a).

Based, in part, on the State Constitution and SWRCB Policy 75-58, the Energy Commission's Integrated Energy Policy Report, 2003 ("IEPR") specifies that "the Energy Commission will approve the use of fresh water for cooling purposes by power plants which it licenses only where alternative water supply sources and alternative cooling technologies are shown to be 'environmentally undesirable' or 'economically unsound.'"

The CVEUP AFC simply states that no reclaimed water is available nearby. This may be the case, but staff needs to review records of conversations and contact information for agencies and individuals that the applicant contacted in search of an alternative water source.

DATA REQUESTS

39. Please provide contact information for the agencies and individuals contacted regarding alternative water sources.

40. Please provide economic and environmental analysis for the proposed use of air chillers instead of water.

BACKGROUND

There is little discussion in the AFC regarding the laydown area alternative 2. On page 5.11-3 it is stated: "The Alternative 2 laydown area is approximately 3.1 miles to the east of the CVEUP property. It is located entirely within the soil mapping unit [Rm] – Riverwash". In order for staff to fully assess potential impacts, additional description and discussion is needed for Alternative 2 laydown area relating to soils, erosion and flooding.

DATA REQUEST

41. Please provide a thorough description of soils, erosion potential, and flooding potential for the Alternative 2 laydown area.

Technical Area: Transmission System Engineering
Authors: Laiping Ng

BACKGROUND

The California Environmental Quality Act (CEQA) requires the identification and description of the "Direct and indirect significant effects of the project on the environment." The Application for Certification requires discussion of the "energy resource impacts which may result from the construction or operation of the power plant." For the identification of impacts on the transmission system resources and the indirect or downstream transmission impacts, staff relies on the System Impact Study as well as review of this study by the agency responsible for insuring the interconnecting grid meets reliability standards, in this case, the California Independent System Operator (California ISO). The study analyze the effect of the proposed project on the ability of the transmission network to meet reliability standards. When the study determines that the project will cause a violation of reliability standards, the potential mitigation or upgrades required to bring the system into compliance are identified. The mitigation measures often include the construction of downstream transmission facilities. CEQA requires the analysis of any downstream facilities for potential indirect impacts of the proposed project. Without a complete System Impact Study, staff is not able to fulfill the CEQA requirement to identify the indirect effects of the proposed project.

DATA REQUEST

42. Table 2, Category A: N-0 Thermal Loading Constraints, on page 17 of the System Impact Study indicates that the Otay 69 kV – Otay 93 69 kV transmission line circuit #1 would be loaded at 143% of its capacity. The footnote of the table stated that the "% load column numbers are % loading above emergency ratings". Please provide the % loading under the normal condition.

43. Page 17 of the System Impact Study and page 3-10 of the AFC both states that the Otay - Otay Lake Tap 69 kV transmission line and South Bay to Sweetwater 69 kV transmission lines will require reconductoring.

    a. Please provide detailed information on the required transmission line upgrade.

    b. Show the exact location of the reconductoring sections, conductor types, conductor ratings, and the required pole structures, size and number of poles required.

44. Page 23 of the System Impact Study, item number 2 listed five 69 kV transmission circuits that will be overloaded. Please identify the mitigation measures for each of these overloads and the party who will be responsible for the upgrades.

45. Page 28 of the System Impact Study identifies a mitigation plan and the alternatives. Please indicate which mitigation alternative will be selected.

46. Please provide the Facilities Study if it is available.

47. Provide an environmental analysis sufficient to meet CEQA requirements for an indirect project impact for any reconductoring impacts that will be required to interconnect the CVEUP.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

Application for Certification For the *CHULA VISTA ENERGY UPGRADE PROJECT*	***Docket No. 07-AFC-4*** **PROOF OF SERVICE (Est. 10/1/07)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-SPPE-1
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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DECLARATION OF SERVICE

I, April Esau, declare that on November 7, 2007, I deposited copies of the attached Chula Vista Energy Upgrade Project (07-AFC-4) – Data Request, Set 1 in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

April Esau